

Ralph A. Schwartz, Esq.
Nevada Bar No. 5488
RALPH A. SCHWARTZ, P.C.
400 South Seventh Street, Suite 100
Las Vegas, Nevada 89101
Telephone: (702) 888-5291
Facsimile: (702) 888-5292
mail@888law1.com
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL M. SILOS, an individual; ATHLENE
GRANA SILOS, an individual; and AVEN
SILOS, a Minor, by and through his parent
and natural guardian, ATHLENE GRANA
SILOS,

Plaintiffs,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, individually;
DOES 1 through 10, inclusive; and ROE
CORPORATIONS 1 through 10,
inclusive,

Defendants.

CASE NO.: 2:19-cv-00154-JAD-CWH

STIPULATION AND ORDER TO
EXTEND TIME FOR PLAINTIFFS TO
FILE OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS PURSUANT TO
FRCP 12(b)(6)

COMES NOW Plaintiffs, by and through their counsel of record, RALPH A. SCHWARTZ, ESQ., and Defendant, by and through its counsel of record, BENJAMIN J. CARMAN, ESQ., hereby submit this Stipulation and Order to Extend Time pursuant to Local Rules 6-1 and 7-2. Plaintiffs are seeking a one week extension of time to respond to Defendant's Motion to Dismiss. As such, Plaintiffs' response shall be due on or before March 5,

2019. Defendant's Reply to Plaintiffs' response shall be filed eleven (11) days after the service of Plaintiffs' response pursuant to Local Rule 7-2©.

I. FACTUAL BACKGROUND

This lawsuit involves a UIM breach of contract and bad faith action. More specifically, on June 4, 2016, Plaintiffs were involved in a motor vehicle collision. As a result of the accident, Plaintiffs claimed personal injuries. Plaintiffs' settled with the third-party tortfeasor for his minimum policy limits of \$15,000.00/\$30,000.00. Plaintiffs subsequently submitted a UIM claim, however, the parties were not able to reach an agreement regarding the value of Plaintiffs' claims and as a result a Complaint was filed in Nevada State Court on August 8, 2017. Defendant removed this matter to Federal Court on January 25, 2019. The parties have not engaged in discovery in this matter as of the filing of Defendant's Motion to Dismiss.

On February 26, 2019 the undersigned's paralegal, Christy Cook, requested an extension from Defendant's counsel to file Plaintiffs' Opposition to the Motion to Dismiss and the same was granted.

A. REASON FOR EXTENSION

Plaintiffs' counsel is a solo practitioner and has been in depositions and mediations during the last two weeks. Additionally, Plaintiffs' counsel's children are participating in a Taekwondo tournament the week of February 26, 2019 and will be fighting for the United States of America. Plaintiffs' counsel is the coach for his children and the team, and therefore Plaintiffs' counsel is required to be present at the tournament venue from February 26, 2019 through March 3, 2019. Plaintiffs' counsel requests until March 5, 2019 to file a responsive pleading to Defendant's Motion.

In light of the foregoing, it is respectfully requested that this Court order the following:

1
2 1. Plaintiffs' Opposition to Defendant's Motion to Dismiss be filed on or before
3 March 5, 2019; and

4 2. Defendant's Reply to Plaintiffs' Opposition shall be filed and served on Plaintiffs
5 eleven (11) days after service of Plaintiff's response.

6 Dated this 26th day of February, 2019.

Dated this 26th day of February, 2019.

7 RALPH A. SCHWARTZ, P.C.

RANALLI ZANIEL FOWLER
& MORAN, LLC

9
10 /s/ Ralph A. Schwartz, Esq.

RALPH A. SCHWARTZ, ESQ.

Nevada Bar No. 5488

400 South Seventh Street, Suite 100

Las Vegas, Nevada 89101

Attorney for Plaintiffs

/s/ Benjamin J. Carman, Esq.

GEORGE M. RANALLI, ESQ.

Nevada Bar No. 5748

BENJAMIN J. CARMAN, ESQ.

Nevada Bar No. 12565

2400 West Horizon Ridge Pkwy

Henderson, Nevada 89052

Attorneys for Defendant

17 **ORDER**

18 Pursuant to the foregoing Stipulation of the parties;

19 IT IS HEREBY ORDERED that Plaintiffs shall have a one week extension, to and
20 including March 5, 2019, to file their Opposition to Defendant's Motion to Dismiss Pursuant to
21 FRCP 12(b)(6), filed February 12, 2019.

24 
UNITED STATES DISTRICT JUDGE

Dated: February 27, 2019.